



# **12th ANNUAL LABOR and EMPLOYMENT PUBLIC SECTOR PROGRAM**

Presented by The Labor and Employment Section of the State Bar of California



**Friday, April 28, 2006**

**Hilton Pasadena  
Pasadena, California**

**5.25 Hours MCLE General Credit  
1.5 Hours Ethics**

**Online Registration is now available at:  
[www.calbar.ca.gov/laborlaw](http://www.calbar.ca.gov/laborlaw)**

**The State Bar of California and the Labor and Employment  
Section are approved State Bar of California MCLE Providers.**

# 12th Annual Labor and Employment Public Sector

## LOCATION

This year's Public Sector MCLE Program will be held at the:



### **Hilton Pasadena**

168 S. Los Robles Avenue

Pasadena, CA 91101

[www.pasadenacal.com/hilton.htm](http://www.pasadenacal.com/hilton.htm)

## PUBLIC SECTOR CONFERENCE 2006

### **Introduction: Welcome—8:45 am to 9:00 am**

**Speakers:** Tony Skogen, Littler Mendelson, Labor and Employment Law Section Chair

Matt Gauger, Weinberg, Roger and Rosenfeld, Program Chair

### **Plenary Session—9:00 am to 10:30 am**

#### **Session 1:** Public Sector Update—Recent Developments

An Overview of important case law, new legislation and significant changes in California's administrative agencies.

**Moderator:** Matt Gauger, Weinberg, Roger and Rosenfeld, Committee Chair

**Speakers:** Ann Weinman, PERB (Neutral)

Linda Buzzini (Management)

Allan Davenport, Director of Governmental Affairs, SEIU, California State Council (Union)

### **Concurrent Sessions—10:45 am to 12:15 pm**

#### **Session 2:** Interest Based v. Traditional Bargaining. Beyond the Basics.

Join our advanced course inquiry into the advantages and pitfalls for each side in deciding whether to use traditional negotiations or interest based bargaining. Our experienced panel of labor negotiators has used both methods at the bargaining table. This session is not designed to advocate for or against any particular method. Instead we will explore such issues as:



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- a. Can union and management truly negotiate without a preconceived outcome in mind? How does this mesh with parameters given each side by their principals?
- b. Can interest based negotiations really succeed in an agency with a history of labor-management animosity?
- c. What about the “hard issues”, such as salary and benefits?
- d. Pros and cons of entire teams openly speaking at the table with only limited caucuses v. one spokesperson and unrestricted caucuses.
- e. What is the perception (and dangers and benefits) on union and management constituencies of using each method?

**Moderator:** Alan Hersh, General Counsel, West Contra Costa Unified School District  
State Bar Executive Committee

**Speakers:** Laurie Juengert, Lozano Smith  
(Management)

Sheila Bell, California Teachers  
Association (Union)

Jan Dole, California School  
Employees Association (Union)

### Session 3: Practical Arbitration Advice

Get *ready* and *set* before you go to arbitration!  
Learn useful, practical tips from experienced  
practitioners and a seasoned arbitrator.

**Moderator:** Carol Vendrillo, Arbitrator and CPER  
Director

**Speakers:** Glenn Rothner, Rothner & Segall &  
Greenstone (Labor)

James Romo, Atkinson Andelson  
Loya Ruud & Romo (Management)

Fred Horowitz, Arbitrator

### Session 4: Can you hear them now? A wave of whistleblower actions has arrived.

Whistleblower actions are being filed with increasing frequency against both private and public employers. In the public sector, bringing and defending these actions present unique challenges. What types of reporting are protected? What types of violations can be reported? Who does the employee have to report the violation? What is the effect of available administrative remedies? Join us as our panel of experts explores these and other interesting issues.

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**Moderator:** Timothy G. Yeung, Deputy Attorney General, California Attorney General's Office, State Bar Executive Committee

**Speaker:** Charles Sakai, Renne Sloan, Holtzman & Sakai (Management)

Felix De La Torre, Weinberg, Roger and Rosenfeld (Union)

### Lunch/Keynote Speaker—12:35 pm to 1:45 pm

SPEAKER TO BE ANNOUNCED  
CHECK WEBSITE FOR DETAILS!

### Concurrent Sessions—2:00 pm to 3:15 pm

**Session 6:** Getting Control of Health Care Costs: A Market Based Approach

Health Care costs are skyrocketing and have reached crisis proportions. This course will familiarize you with current trends being explored as employers and labor organizations seek effective alternatives to the traditional approach of reducing coverage and/or capping employer costs. The panel will review such alternatives as labor management co-operation and using quality vs. cost analysis. We will pay particular attention to situations in which employers and labor unions have successfully reduced costs and improved quality through a delivery system reform strategy.

**Moderator:** Matt Gauger, State Bar Executive Committee

**Speakers:** Sally Covington, CA Health Care Coalition

Alan Hersh, General Counsel, West Contra Costa Unified School District

**Session 7:** So You Want to Make a Federal Case Out of It?

Joe X was hired under a year's contract by Fire City as a "program consultant" to revamp the city's fire retardation program. Six months into the contract Joe received a letter from the City Manager telling him his services were terminated effective the next day. Does Joe have a viable cause of action under Section 1983? How quickly can you arrive at a yes or no answer? Come hear the experts give you the latest in Section 1983 practice with topics ranging from "resisting removal actions" to "attorneys' fees" and "predicting Sec. 1983 changes under a Roberts Supreme Court."





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**Moderator:** Wendy Rouder, Arbitrator and Vice Chair, Labor and Employment Section

**Speakers:** Anne Richardson, Hadsell and Stormer (Plaintiff)

Melanie Poturica, Liebert Cassidy Whitmore (Defense)

### **Session 8:** When Negotiations Fail—What Happens Next?

Negotiations generally result in agreements without either party declaring impasse. But what happens when that doesn't happen and impasse results? Our panel of experts will discuss the various options available to management and labor in the event that the parties are unable to reach agreement. Our discussion will include issues such as picketing, mediation, arbitration/fact finding, unilateral action, and strikes. The panel will also outline the steps needed, and the likely legal issues to be raised, in the event either party requests injunctive relief.

**Moderator:** Bruce Barsook, Liebert Cassidy Whitmore, State Bar Executive Committee

**Speakers:** Jesus Quinonez, Geffner & Bush (labor)

Robert Hulteng, Littler Mendelson (management)

Robert Thompson, General Counsel, PERB

### **Plenary Session—3:30 pm to 5:00 pm** (Ethics Credit: 1.5 Hrs.)

#### **Session 9:** Legal Ethics for the Labor/Employment Lawyer

“10 Leading Ethical Challenges—what are they, how and why do attorneys get into trouble, and how attorneys can avoid these situations. Join Ellen Pansky, well-known expert on legal ethics, as she guides us through this essential area of the law.”

**Moderator:** Arnie Braafladt, California School Employees, State Bar Executive Committee

**Speaker:** Ellen Pansky, Pansky & Markle

# 12th Annual Labor and Employment Public Sector

## REGISTRATION INFORMATION

**Deadline:** In order to pre-register, mail your form and check, payable to the State Bar of California, or credit card information **Must be received by Monday, April 17, 2006.**

**Online Registration:** Now available at [www.calbar.ca.gov/laborlaw](http://www.calbar.ca.gov/laborlaw).

**Mail to:** Program Registrations, State Bar of California,  
180 Howard St.,  
San Francisco, CA 94105

**Fax to:** Program Registrations at 415.538.2368. In order to fax your registration, credit card information is MANDATORY.

**Cancellations & Refunds:** Cancellations and requests for refunds must be received in writing by **April 17, 2006**. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit.

**On-site Registration:** Limited and subject to availability. Please register in advance.

**Special Assistance:** For special assistance please call 415.538.2590; for TDD speech and hearing impaired, please call 415.538.2231.

**Questions:** For registration information please call 415.538.2508. For information regarding the program please call 415.538.2590.

**Audio Cassettes:** will be available for purchase after the program from the Versa-Tape Company by calling 800.468.2737.

## Hotel Registration

A room block has been reserved at the **Pasadena Hilton** for the evening of April 28, 2006. To obtain a special rate of \$145 per night, please call **(626) 577-1000** and identify yourself as being with the STATE BAR OF CALIFORNIA PUBLIC SECTOR ROOM BLOCK. The deadline for registration is April 6, 2006, so be sure to make your hotel reservations early!



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## REGISTRATION FORM

### 12th Annual Labor and Employment Public Sector Program

Note: One registrant per form. Photocopies may be used.

Name: \_\_\_\_\_ Bar #: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_  
(required for confirmation)

Your name and address may be disclosed. ( ) Check here if you do not want your information released.

### Pre-Registration Fees (must be received by April 17, 2006)

( ) Labor & Employment Law Section Member . . . . . \$180

( ) Non-Section Member . . . . . \$215

Includes enrollment in the Labor & Employment Law Section for 2006

( ) Non-attorney labor-relations professional . . . . . \$ 110

( ) Full-time Law Student (attach copy of school ID) . . . . . \$ 50

### On-Site Registration Fees (April 28, 2006 at Pasadena Hilton)

( ) Labor & Employment Law Section Member . . . . . \$200

( ) Non-Section Member . . . . . \$240

Includes enrollment in the Labor & Employment Law Section for 2006

( ) Non-attorney labor-relations professional . . . . . \$ 125

( ) Full-time Law Student (bring school ID) . . . . . \$ 50

( ) Program Materials Only . . . . . \$ 125

Amount Enclosed/To Be Charged . . . . . \$ \_\_\_\_\_

### Credit Card Information (VISA/MASTERCARD Only)

I authorize the State Bar of California to charge my program registration to my Visa/MasterCard account. (No other credit card will be accepted.)

Account Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Cardholder's Name: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

**Deadline: April 17, 2006 for confirmation.**

**Mail To:** Program Registrations, State Bar of CA,  
180 Howard Street San Francisco, CA 94105  
(Make checks payable to State Bar of California)

**Fax To:** Program Registrations, 415/538-2368  
Credit card information is MANDATORY.  
No photocopies of checks please.

**During Concurrent 10:45 to 12:15 Sessions, please check one preference:**

( ) Session 2: Negotiations (Bargaining)

( ) Session 3: Arbitration

( ) Session 4: Whistleblowers

**During Concurrent 2:00 to 3:30 Sessions, please check one preference:**

( ) Session 6: Health Care

( ) Session 7: Section 1983

( ) Session 8: Negotiations (Strikes)

State Bar Education Foundation  
Labor and Employment Section  
180 Howard Street  
San Francisco, CA 94105-1639

First Class PRSRT  
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**April 28, 2006**



**The 12th Annual Labor and Employment Law  
Public Sector Conference**

